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16 **UNITED STATES DISTRICT COURT**  
17 **EASTERN DISTRICT OF CALIFORNIA**

18  
19 UNITED STATES OF AMERICA,

20 Plaintiff,

21 v.

22 THOMAS LAYMAN BINFORD,

23 Defendant.

24 Case No: 1:20-cr-00150 ADA/BAM

25 **STIPULATION TO: (1) SET FEBRUARY 6, 2023  
26 CHANGE OF PLEA HEARING, AND (2)  
27 VACATE BOTH JANUARY 17, 2023 TRIAL  
CONFIRMATION HEARING AND JANUARY  
31, 2023 TRIAL DATE; ORDER**

28 Ctrm: 1  
Date: February 6, 2023  
Time: 8:30 am.

Hon. Ana de Alba

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30  
31 **STIPULATION**

32 THE PARTIES HEREBY STIPULATE, through their respective counsel, Assistant United  
33 States Attorney, Brian W. Enos, on behalf of the government, and Mark D. Coleman, Esq., on behalf of  
34 defendant Thomas Layman Binford (“Binford”), that: (1) a change of plea hearing be scheduled to take  
35 place on Monday, February 6, 2023, at 8:30 am; and (2) this action’s January 17, 2023 trial confirmation  
36 hearing and January 31, 2023 trial both be vacated. The parties have confirmed the court’s availability  
37 regarding the above-proposed change of plea hearing’s date and time.

1 The parties base this stipulation on good cause and therefore ask the court to endorse this  
2 stipulation by way of formal order. Specifically,

- 3 1. After extensive negotiations, including: (1) follow up communications and investigation  
4 involving a broadened analyses of this case's electronic evidence, (2) additional queries  
5 made to this matter's arresting police officers, and (3) the resulting modification and delivery  
6 of an updated written plea offer whose terms have been discussed with defendant, the parties  
7 have reached a tentative agreement resolving this case.
- 8 2. The terms of this agreement are memorialized in a plea agreement, which the parties intend  
9 to sign and file as soon as possible. Notwithstanding the current holiday season and its  
10 attendant delays, the parties expect the plea agreement to be filed within the next week or  
11 two. The government also committed to defense counsel that it would follow up with law  
12 enforcement regarding the extent video recordings exist regarding this matter that have not  
13 yet been produced in discovery.
- 14 3. The parties have since compared respective calendars and met and conferred about available  
15 dates wherein they could both appear at a change of plea hearing. The parties have also  
16 cleared Monday, February 6, 2023 (8:30 a.m.) regarding the scheduling of this hearing with  
17 chambers of Courtroom 1. In light of these efforts, the parties ask the court to endorse their  
18 stipulation to set a change of plea hearing for Monday, February 6, 2023, at 8:30 a.m. in  
19 Courtroom 1. Pursuant to additional communications with chambers, the parties likewise ask  
20 the court to vacate both this action's previously scheduled January 17, 2023 trial  
21 confirmation hearing and January 31, 2023 trial date.
- 22 4. Pursuant to relevant provisions of 18 U.S.C. § 3161, the parties previously obtained a waiver  
23 of time in this action through January 31, 2023 pursuant to the court's order of September 6,  
24 2022 endorsing the parties' stipulation. Dkt. 48. For the reasons set forth herein, the parties  
25 further stipulate that the period of time from January 31, 2023 through February 6, 2023 is  
26 deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv)  
27 because it results from the setting of a change of plea hearing granted by the Court at the

1 parties' request on the basis of the Court's finding that the ends of justice served by taking  
2 such action outweigh the best interest of the public and the defendant in a speedy trial.

3 IT IS SO STIPULATED.

4  
5 Dated: December 27, 2022

PHILLIP A. TALBERT  
United States Attorney

6  
7 By: /s/ Brian W. Enos  
Brian W. Enos  
8 Assistant United States Attorney

9 (As authorized 12/27/22)

10 Dated: December 27, 2022

11 By: /s/ Mark D. Coleman  
Mark D. Coleman, Esq.  
12 Attorney for Defendant  
Thomas Layman Binford

## ORDER

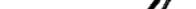
IT IS ORDERED that:

- (1) A change of plea hearing is set to take place on Monday, February 6, 2023, at 8:30 a.m. in Courtroom 1; and
- (2) the trial confirmation hearing set for Tuesday, January 17, 2023, and the trial date set for Tuesday, January 31, 2023, are both vacated.

7 IT IS FURTHER ORDERED THAT the period of time from January 31, 2023 through February  
8 6, 2023 is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv)  
9 because it results from the setting of a change of plea hearing granted by the Court at the parties' request  
10 on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best  
11 interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: December 27, 2022



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UNITED STATES DISTRICT JUDGE